

IN THE SUPREME COURT OF THE STATE OF DELAWARE

CHRISTOPHER DESMOND,	§
	§
Defendant Below,	§ No. 23, 2023
Appellant,	§
	§ Court Below: Superior Court
v.	§ of the State of Delaware
	§
STATE OF DELAWARE,	§ Cr. ID No. 91009844DI
	§
Appellee.	§

Submitted: February 2, 2023

Decided: February 20, 2023

Before **SEITZ**, Chief Justice; **VALIHURA** and **TRAYNOR**, Justices.

ORDER

After consideration of the notice to show cause and the response, it appears to the Court that:

(1) On January 23, 2023, the appellant, Christopher Desmond, filed a notice of appeal from a Superior Court order dated January 10, 2023, which denied Desmond’s “Motion for the Court to Amend the Unauthorized and Misinformation Enclosed in the Presentence Report.” Desmond also filed an incomplete and unsigned motion and affidavit to proceed *in forma pauperis*.

(2) Desmond has filed numerous writs and motions for postconviction and other relief over the years, including at least sixteen motions for postconviction

relief.¹ Because of Desmond’s repetitive filing of frivolous claims, in 2014 this Court directed the Clerk “to refuse any filing from Desmond unless the filing is accompanied by the required filing fee or a completed motion to proceed *in forma pauperis*, with a sworn affidavit containing the certifications under 10 *Del. C.* § 8803(e), and the motion to proceed in forma pauperis is granted by this Court.”²

(3) Following the receipt of the current notice of appeal, the Senior Court Clerk issued a notice identifying the 2014 order regarding future filings and directing Desmond to show cause why this appeal should not be dismissed because he had failed to pay the required filing fee or to file a completed motion to proceed *in forma pauperis* with the certifications that he is required to make under 10 *Del. C.* § 8803(e). The notice also stated that “[t]o the extent that you submit a completed motion and affidavit to proceed *in forma pauperis* in response to this notice to show cause, you must also demonstrate that the issues that you seek to raise have never been raised or disposed of before and are not foreclosed by controlling law.”

(4) In response to the notice to show cause, Desmond has not paid the filing fee or provided a completed motion and affidavit to proceed *in forma pauperis* with the required certifications. Instead, he asserts that the Superior Court erred by denying his motion seeking amendment of his presentence report, which was

¹ See, e.g., *Desmond v. State*, 2022 WL 16570935 (Del. Oct. 31, 2022) (affirming denial of sixteenth motion for postconviction relief).

² *Desmond v. State*, No. 567, 2014, Docket Entry No. 22 (Del. Feb. 11, 2015).

completed thirty years ago. His response does not address the deficiencies in his incomplete, unsigned motion and affidavit to proceed *in forma pauperis*. The appeal is therefore dismissed.

NOW, THEREFORE, IT IS ORDERED, under Supreme Court Rule 29(b), that the appeal is DISMISSED.

BY THE COURT:

/s/ Collins J. Seitz, Jr.
Chief Justice